

Honorable Paul N. McCloskey, Jr.
House of Representatives
Washington, D.C. 20515

Dear Mr. McCloskey:

I am happy to provide views on H.R. 9998, the "Ocean Shipping Act of 1978," in response to your request of June 14, 1978.

This bill concerns primarily matters not of direct interest to me or to the Central Intelligence Agency, but I am concerned with paragraph 2(c)(3), which relates to authority of the Federal Maritime Commission (the "Commission") to obtain certain information from other Federal agencies. As regards H.R. 9998 generally, I defer to the views of other agencies more directly concerned, and in addition, I support the general views regarding paragraph 2(c)(3) provided by the Department of Justice separately.

In particular, I am concerned that the prefatory proviso of paragraph 2(c)(3)--that the Commission "shall be given access" to information relating to the "cost of performing ocean transportation" in the files of other agencies "Notwithstanding any other provision of law" (emphasis added)--does not properly recognize the interests and responsibility of the Director of Central Intelligence to protect the confidentiality of information relating to intelligence sources and methods. I am charged by statute with protecting intelligence sources and methods from unauthorized disclosure (section 102(d)(3) of the National Security Act of 1947, as amended (50 U.S.C. 403(d)(3))). Section 6 of the Central Intelligence Agency Act of 1949, as amended, provides that in furtherance of this responsibility, the CIA is exempt from provisions of law that require the disclosure of information relating to personnel and organization (50 U.S.C. 403g).

Currently, the CIA exchanges information relating to ocean shipping with the Commission; I certainly would want these interchanges to continue. One area of mutual interest, for example, involves information and analysis of worldwide petroleum costs. As I am sure you can appreciate, however, such information in CIA files contains much sensitive data concerning intelligence sources and methods. This information necessarily, and properly, is protected against disclosure in order to retain the confidentiality of the sources of the information and of the methods whereby the

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OFFICE OF DIRECTOR OF CENTRAL INTELLIGENCE


LEGISLATIVE COUNSEL
WASHINGTON, D.C. 20505


TO: Ms. Janet M. Fox
Legislative Reference Division
Office of Management and Budget

26 June 1978

Jan:

Attached for your files is a copy of the letter which we coordinated with you from Acting Director Blake to Representative McCloskey concerning H.R. 9998. In order that our files on this legislation are complete, I would appreciate it if you could send us a copy of the letter which the Department of Justice sent to the Congress on this bill. Thank you for your help.


Assistant Legislative Counsel

Attachment

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